

E. Evans Wohlforth, Jr.  
Sabrina M. Galli  
**ROBINSON & COLE LLP**  
666 Third Avenue, 20th Floor  
New York, New York 10017  
Telephone: (212) 451-2900  
Facsimile: (212) 451-2999  
ewohlforth@rc.com  
sgalli@rc.com

Philippe Z. Selendy (admitted *pro hac vice*)  
Andrew R. Dunlap (admitted *pro hac vice*)  
Meredith Nelson (admitted *pro hac vice*)  
Elizabeth H. Snow (admitted *pro hac vice*)  
**SELENDY GAY PLLC**  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
pselendy@selendygay.com  
adunlap@selendygay.com  
mnelson@selendygay.com  
esnow@selendygay.com

*Attorneys for Defendant Save On SP, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS INC.,  Plaintiff,  v.  SAVE ON SP, LLC,  Defendant.</p>	<p>Civil Action No. 22-2632 (ES)(CLW)  <i>Document Electronically Filed</i>  <b>DECLARATION OF E. EVANS WOHLFORTH, JR., ESQ., IN SUPPORT OF MOTION TO SEAL</b></p>
--	--

I, E. Evans Wohlforth, Jr., submit this Declaration in support of Defendant Save On SP, LLC's ("SaveOnSP") Motion to Permanently Seal portions of:

- (a) Johnson and Johnson Health Care Systems, Inc.'s ("JJHCS") December 20, 2023 Status Letter and Exhibit 1 [ECF No. 287];
- (b) JJHCS's March 6, 2024 Motion to Compel regarding RFPs 99, 102, 103 and Exhibits 1-2, 6-9, 13; SaveOnSP's March 15, 2024 Opposition and Exhibit 1 [ECF No. 295]; and
- (c) JJHCS's March 13, 2024 Motion to Compel regarding RFPs 95 and 96 and Exhibits 2, 6-13, 15-17, 19; SaveOnSP's Opposition and Exhibits 1-2, 6-7, 10, 12; and JJHCS's March 25, 2024 Reply and Exhibits 20-24, 28-33 [ECF No. 298].

1. I am an attorney duly authorized to practice law in the State of New Jersey and a member in good standing of the bar of this Court. I am a member of the law firm of Robinson & Cole, LLP, co-counsel for SaveOnSP.

2. I submit this Certification in accordance with Local Civil Rule 5.3 based upon my personal knowledge in support of the Motion to Seal. The information that SaveOnSP seeks to seal consists of SaveOnSP's confidential, internal information and communications about its business operations, strategies, and internal programs, which SaveOnSP asserts is proprietary business information.

3. In accordance with Local Civ. R. 5.3(c)(3), attached hereto as Appendices A-C are tables documenting all materials to be sealed, the nature of the materials to be sealed, the legitimate private or public interest which warrants the relief sought, the clearly defined and serious injury that would result if the relief sought is not granted; and why a less restrictive alternative to the relief sought is not available. The Appendices are as follows:

<b>Appendix A</b>	JJHCS's December 20, 2023 Status Letter and Exhibit 1 [collectively, ECF No. 287]
<b>Appendix B</b>	JJHCS's March 6, 2024 Motion to Compel regarding RFPs 99, 102, 103 and Exhibits 1-2, 6-9, 13; SaveOnSP's March 15, 2024 Opposition and Exhibit 1 [collectively, ECF No. 295]

<b>Appendix C</b>	JJHCS's March 13, 2024 Motion to Compel regarding RFPs 95 and 96 and Exhibits 2, 6-13, 15-17, 19; SaveOnSP's March 24, 2024 Opposition and Exhibits 1-2, 6-7, 10, 12; and JJHCS's March 25, 2024 Reply and Exhibits 20-24, 28-33 [collectively, ECF No. 298].
-------------------	---

In summary, the information that SaveOnSP seeks to protect from public disclosure is SaveOnSP's proprietary business information.

4. In accordance with Local Rule 5.3(c)(3)(f), this office contacted Plaintiff's counsel via e-mail to inquire as to Plaintiff's position on whether the materials that are the subject of this Motion should remain sealed. Plaintiff's counsel does not object to the relief sought in this instant motion.

5. Redacted versions of the documents containing SaveOnSP's confidential information are being filed with this Motion pursuant to Local Rule 5.3(c)(4), to ensure that the sealing is by the least restrictive means possible.

6. SaveOnSP asserts that it has a legitimate interest in maintaining the confidentiality of the redacted and sealed information contained in these filings and in avoiding the public disclosure of this information because it includes SaveOnSP's proprietary business information, the disclosure of which would grant SaveOnSP's business competitors an unfair competitive advantage. *See e.g., Goldenberg v. Indel, Inc.*, 2012 WL 15909, at \*3 (D.N.J. Jan. 3, 2012) (granting motion to seal "commercially sensitive and proprietary non-public business information"); *Bracco Diagnostics, Inc. v. Amersham Health Inc.*, 2007 WL 2085350, at \*9-10 (D.N.J. July 18, 2007) (granting motion to seal where the public availability of documents containing confidential business information would have put a party at a competitive disadvantage).

7. SaveOnSP further asserts that it has a legitimate interest in maintaining the confidentiality of the redacted and sealed information contained in these filings and in avoiding the public disclosure of this information because it includes confidential patient health information, the disclosure of which would be harmful to patients. *See Rosario v. Doe*, No. CIV. 08-5185 RMB, 2013 WL 3283903, at \*2-3 (D.N.J. June 25, 2013) (Bumb, J.) (sealing records containing private medical information).

8. SaveOnSP has an interest in maintaining the confidentiality of the redacted information contained in the December 20, 2024 Status Letter and Exhibit 1 [collectively, ECF No. 287] as the documents contain proprietary business information including references to confidential internal presentations and confidential deposition transcripts.

9. SaveOnSP has an interest in maintaining the confidentiality of the redacted information contained in JJHCS's March 6, 2024 Motion to Compel regarding RFPs 99, 102, 103 and Exhibits 1-2, 6-9, 13, and SaveOnSP's March 15, 2024 Opposition and Exhibit 1 [collectively, ECF No. 295] as the documents have confidential proprietary information about SaveOnSP's services, communications with Express Scripts and patients, and information about SaveOnSP's business plans and partners.

10. Lastly, SaveOnSP has an interest in maintaining the confidentiality of the redacted information contained in JJHCS's March 13, 2024 Motion to Compel regarding RFPs 95 and 96 and Exhibits 2, 6-13, 15-17, 19; SaveOnSP's March 21, 2024 Opposition and Exhibits 1-2, 6-7, 10, 12; and JJHCS's March 25, 2024 Reply and Exhibits 20-24, 28-33 [collectively, ECF No. 298], as the documents contain confidential proprietary information including internal presentations, confidential recordings with patients, and SaveOnSP's confidential employee handbook.

11. Accordingly, SaveOnSP respectfully requests that the Court seal the unredacted versions of the Johnson and Johnson Health Care Systems, Inc.'s ("JJHCS") December 20, 2023 Status Letter and Exhibit 1 [ECF No. 287]; JJHCS's March 6, 2024 Motion to Compel regarding RFPs 99, 102, 103 and Exhibits 1-2, 6-9, 13; SaveOnSP's March 15, 2024 Opposition and Exhibit 1 [ECF No. 295]; and JJHCS's March 13, 2024 Motion to Compel regarding RFPs 95 and 96 and Exhibits 2, 6-13, 15-17, 19; SaveOnSP's March 21, 2024 Opposition and Exhibits 1-2, 6-7, 10, 12; and JJHCS's March 25, 2024 Reply and Exhibits 20-24, 28-33 [ECF No. 298].

12. SaveOnSP submits that there is no less restrictive alternative available.

13. SaveOnSP respectfully submits that it has satisfied the criteria for sealing a judicial record set forth in Local Civil Rule 5.3. Accordingly, SaveOnSP requests that the Court grant its motion to seal materials.

14. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 18, 2024

By: s/ E. Evans Wohlforth, Jr.

E. Evans Wohlforth, Jr.

Sabrina M. Galli

**ROBINSON & COLE LLP**

666 Third Avenue, 20<sup>th</sup> Floor

New York, NY 10017

Tel: (212) 451-2900

[ewohlforth@rc.com](mailto:ewohlforth@rc.com)

[sgalli@rc.com](mailto:sgalli@rc.com)

and

Philippe Z. Selendy (admitted *pro hac vice*)

Andrew R. Dunlap (admitted *pro hac vice*)

Meredith Nelson (admitted *pro hac vice*)

Elizabeth H. Snow (admitted *pro hac vice*)

**SELENDY GAY PLLC**

1290 Avenue of the Americas

New York, NY 10104

Tel: 212-390-9000  
pselendy@selendygay.com  
adunlap@selendygay.com  
mnelson@selendygay.com  
esnow@selendygay.com

*Attorneys for Defendant Save On SP, LLC*